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December 14, 2022

### **By ECF**

The Honorable Christian F. Hummel  
James T. Foley U.S. Courthouse  
445 Broadway  
Albany, NY 12207

Re: Holland v. Broome County, et al., 9:22-CV-297 (DNH/CFH) (N.D.N.Y.)

Dear Judge Hummel:

On behalf of Plaintiff Makyya Holland, we respectfully submit this reply to the County Defendants' response (Dkt. No. 69) to our request for a conference with Your Honor, or, alternatively, leave to file a motion to compel (Dkt. No. 67 (the "December 7 Letter")).<sup>1</sup>

To date, we have yet to receive a *single* verified response from *any* County Defendant to *any* of Plaintiff's Interrogatories. Those Interrogatories seek information at the core of Ms. Holland's case, including the identity of persons with knowledge of the various abuses she suffered while in BCJ custody. Responses to the Interrogatories are, therefore, essential to the efficient conduct of discovery in this action. Although the

<sup>1</sup> Capitalized terms have the meaning given in our December 7 Letter.

PAUL, WEISS, RIFKIND, WHARTON & GARRISON LLP  
Hon. Christian F. Hummel

2

Federal Rules clearly require that such responses be served within 30 days, we have been waiting for over *five months* to receive verified responses to Interrogatories that Ms. Holland served on the Original County Defendants on July 1 and over *two months* to receive any response to the remaining Interrogatories, which she served on October 12.

In their letter to the Court, the County Defendants do not dispute their obligations under the rules or deny that they have failed to meet those obligations. Rather, they appear to suggest that they have engaged in an enormous amount of document discovery, which they vastly overstate,<sup>2</sup> that their attorneys are overwhelmed,<sup>3</sup> and that discovery in this action, therefore, should be stayed.

We have been flexible and accommodating with discovery deadlines, including with respect to interrogatory responses, document production, and the scheduling of depositions. It is, however, entirely inappropriate and prejudicial to deny or further delay Ms. Holland's access to sworn responses containing information to which she is clearly entitled and which should not be so difficult to obtain. The County Defendants should therefore be required to provide sworn responses forthwith.<sup>4</sup>

For the foregoing reasons and those contained in our December 7 Letter, Plaintiff requests a discovery conference with Your Honor, or, alternatively, leave to move to compel the County Defendants to serve verified responses to the Interrogatories.

Respectfully submitted,

/s/ Jeremy A. Benjamin

Jeremy A. Benjamin

cc: All counsel of record (by ECF)

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<sup>2</sup> The County Defendants have produced approximately 250 documents to date.

<sup>3</sup> Ms. Church refers to personal circumstances that have hampered her ability to attend to discovery in this case. Although we are not aware of the facts of those circumstances we, of course, are sympathetic to Ms. Church. However, over two weeks ago, in order to protect our client's interests, we requested a date certain by which the County Defendants would respond to Ms. Holland's Interrogatories. (Dkt. No. 67-8.) The County Defendants never responded and have yet to commit to a date by which they will provide the requested information.

<sup>4</sup> Ms. Holland additionally reserves her rights to reopen depositions where appropriate to probe information contained in the County Defendants' long overdue responses.